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16 CLASS COUNSEL
17 [Defense Counsel listed on next page]

18 **UNITED STATES DISTRICT COURT**
19 **FOR THE SOUTHERN DISTRICT OF CALIFORNIA**

20 **SPENCER HOYT,**

21 Plaintiff,

22 v.

23 **HIRERIGHT, INC.,**

24 Defendant.

Case No.: 3:13-cv-01432-BAS-BLM

**JOINT MOTION TO ADJOURN
AND RESET SETTLEMENT-
RELATED DATES AND TO
MODIFY THE PRELIMINARY
APPROVAL ORDER**

District Judge: Hon. Cynthia A. Bashant

Courtroom: 4B

Mag. Judge: Hon. Barbara Lynn Major

Courtroom: 11th Floor

**NO ORAL ARGUMENT UNLESS
REQUESTED BY THE COURT**

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1 Plaintiff Spencer Hoyt (“Plaintiff”) and Defendant HireRight, Inc.
2 (“Defendant”) (collectively, “the parties”), by and through their counsel,
3 hereby jointly move the Court for the adjournment and resetting of dates set
4 by the Court’s Preliminary Approval Order and the parties’ settlement
5 agreement and to modify the Preliminary Approval Order.

6 On November 10, 2014, the parties reached a compromise in principle
7 of this proposed class action and executed a full settlement agreement on
8 January 28, 2015. (ECF No. 119-3.) The parties then moved this Court for
9 preliminary approval of their class action settlement on January 30, 2015.
10 (ECF No. 119.) On May, 2016, this Court granted preliminary approval of
11 the parties’ class action settlement. (ECF No. 130.) The parties now request
12 that the Court adjourn and reset certain settlement-related deadlines and issue
13 an Order modifying the Preliminary Approval Order so as to take into
14 account the issues discussed below.

15 **1. More time is needed to compile the class list.** Given the
16 imposition of the now-lifted bankruptcy stay, more than 15 months have
17 elapsed since the parties signed their settlement agreement in January of
18 2015. (*See* Br. ISO Prelim. Approval, ECF No. 119-1; Agreement, ECF No.
19 119-3; Prelim. Approval Order, ECF No. 130.) Accordingly, Defendant
20 requires more time to compile a full list of class members who should receive
21 notice of the settlement (including those who have accrued alleged claims
22 since January of 2015), meet and confer with Class Counsel regarding that
23 list, and transmit the list to the third-party settlement administrator. For these
24 reasons, the parties request that the deadline for Defendant to transmit the list
25 to settlement administrator be extended as follows and that deadlines related
26 to the transmission of the class list and settlement notice be reset accordingly:

- 27 - Deadline for Defendant to transmit the class list to the settlement
28

1 administrator reset from May 16, 2016 to June 1, 2016;

- 2 - Deadline for the settlement administrator to mail notice and activate
3 the settlement website reset from May 23, 2016 to June 10, 2016;
4 and
5 - Deadline for the parties to move for final approval reset from
6 August 1, 2016 to August 12, 2016; any responses by August 26,
7 2016; and any replies by September 9, 2016.¹

8 **2. The Court's Preliminary Approval Order requires service**
9 **on counsel no longer participating in this action.** The parties' settlement
10 agreement provides for and their motion for preliminary approval requested
11 that any objections be sent to the Court and settlement administrator. (ECF
12 No. 119-3.) The Court's Preliminary Approval Order requires that objectors
13 send objections to the clerk of court and also serve objections on counsel for
14 both parties. (ECF No. 130.) The Order specifically lists E. Michelle Drake
15 and Jennifer Mora as the counsel to be served. (*Id.*) As this Court has granted
16 Ms. Drake's withdrawal from this action (ECF No. 128) and as Ms. Mora is
17 not lead counsel for Defendant, the parties respectfully request that the Order
18 be modified to list Anna P. Prakash (Class Counsel) and Rod Fliegel
19 (Defendant's Counsel) as the counsel on whom objections should be served
20 and to include a requirement that objectors also send objections to the
21 settlement administrator.²

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23 ¹ Given that the final approval hearing is set for a full 10 days following the
24 proposed close of briefing, the parties wish to maintain the current hearing
25 date of September 19, 2016. Further, Class Counsel will file their motion for
26 fees and costs and Plaintiff's request for an incentive award before the
27 current deadline of August 1, 2016.

28 ² If the Preliminary Approval Order is so modified, the parties would then
modify the settlement notices accordingly.

1 For good cause shown, the parties respectfully request the Court grant
2 the parties' motion.

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4 Respectfully Submitted,

5 DATED: May 11, 2016

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8 /s/Anna P. Prakash
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27 ATTORNEYS FOR PLAINTIFF
28 SPENCER HOYT

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ATTORNEYS FOR
DEFENDANT HIRERIGHT,
INC.

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3 **CERTIFICATE OF SERVICE**

4 I hereby certify that on May 11, 2016 a true and correct copy of the
5 foregoing Joint Motion was served electronically via ECF to all counsel of
6 record.

7 Date: May 11, 2016

8 /s/Anna P. Prakash
9 Anna P. Prakash (*pro hac vice*)
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